

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:21-cr-0015
)	
JULIUS ALVAREZ-GONZALEZ AND JIMMY)	
GARCIA-QUINONEZ,)	
)	
Defendants.)	
)	

ORDER

BEFORE THE COURT is the trial in this matter currently scheduled for April 4, 2022. For the reasons stated herein, the time to try this case is extended up to and including May 2, 2022.

On March 23, 2022, the Court ordered the parties to notify the court of their readiness for trial. (ECF No. 73.) In his response, Defendant Julius Alvarez-Gonzalez's states that he has reached a plea agreement with the United States and requests until April 1, 2022, for the plea agreement to be translated and conveyed. (ECF No. 75 at 1.) Defendant Jimmy Garcia-Quinonez similarly states that the parties are finalizing plea negotiations and requests until April 1, 2022, to "translate and discuss the terms of the final version of the plea agreement and file a motion for change of plea." (ECF No. 76 at 1.) Both defendants state that a jury trial "will not be necessary." (ECF No. 75 at 1, ECF No. 76 at 1.) In the United States' response, it represents that the parties are finalizing plea negotiations and that the matter should be resolved short of trial, but that it will be ready to proceed should the trial go forward. (ECF No. 74 at 1.)

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice to allow the parties time to finalize plea negotiations. The United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an 'ends of justice' continuance may in appropriate circumstances be granted." *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994) (finding that the district court had

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properly granted an “ends of justice” continuance to “permit plea negotiations to continue”); *United States v. Gutierrez*, 351 F. App'x 697, 699 (3d Cir. 2009) (upholding a continuance where “[p]lea negotiations were ongoing and . . . appeared to be progressing toward a nontrial disposition”).

The premises considered, it is hereby

ORDERED that the time beginning from the date of this order granting an extension through May 2, 2022, **SHALL** be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the parties **SHALL** file and serve a pre-trial brief no later April 25, 2022, which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

ORDERED that the parties **SHALL** provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits no later than April 27, 2022;¹ it is further

ORDERED that the jury selection and trial in this matter **SHALL** commence promptly at 9:30 on May 2, 2022, in St. Thomas Courtroom 1; and it is further

ORDERED that, no later than April 1, 2022, the parties **SHALL** file their respective motions for change of plea or file an appropriate motion requesting more time, if necessary.

Dated: March 29, 2022

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

¹ Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government’s trial exhibits shall be labelled sequentially beginning with Government’s Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.